Immunocept, LLC, et al v. Fulbright & Jaworski Doc. 88

**UNITED STATES DISTRICT COURT**
**WESTERN DISTRICT OF TEXAS**
**AUSTIN DIVISION**

FILED

MAR 22 2006

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [signature] DEPUTY CLERK

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| **IMMUNOCEPT, LLC, PATRICE ANNE LEE, AND JAMES REESE MATSON,** | § | |
| | § | |
| **Plaintiffs,** | § | |
| | § | |
| **vs.** | § | **CAUSE NO. A 05 CA 334 SS** |
| | § | |
| **FULBRIGHT & JAWORSKI, LLP,** | § | |
| | § | |
| **Fulbright.** | § | |

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**PLAINTIFFS' MOTION FOR LEAVE TO FILE RESPONSE TO FULBRIGHT'S MOTION TO EXCLUDE THE TESTIMONY OF RINALDO BELLOMO EXCEEDING PAGE LIMITS**

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The Plaintiffs, Immunocept, LLC., Patrice Anne Lee and James Reese Matson (collectively "Plaintiffs"), request that this Court grant it leave to file a Response to Fulbright's Motion to Exclude the Testimony of Rinaldo Bellomo that exceeds 10 pages.

Defendant's Motion to Exclude the Testimony of Rinaldo Bellomo raises numerous grounds on complicated issues and requires Plaintiffs to marshal and describe the substantial body of evidentiary support Dr. Bellomo has relied on in reaching his opinions in this case. In order to fully address this scientific evidence, as well as correct the erroneous contentions in Defendant's Motion to Exclude the Testimony of Rinaldo Bellomo, Plaintiffs will need more than 10 pages of brief content. Plaintiffs have endeavored to present there arguments succinctly, but nonetheless need approximately 20 pages to ensure that the arguments Defendant has raised are fully discussed.

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For that reason, Plaintiffs respectfully request that the Court grant them leave to file a Response to Fulbright's Motion to Exclude the Testimony of Rinaldo Bellomo in excess of 10 pages.

Respectfully submitted,

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**IMMUNOCEPT, LLC**
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**JAMES REESE MATSON**

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that counsel for Plaintiffs conferred with counsel for the Defendant and they indicated that they were opposed this motion. Therefore, we are submitting this motion to the court for their determination.

Jeremy A. Fielding

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served *via facsimile* below on this the 20th day of March, 2006:

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